

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM LLC,

Plaintiff,

v.

KENNETH R. LAY, in his official
capacity as Secretary of the North
Carolina Department of Revenue,

Defendant.

No. 2:10-cv-00664-MJP

**AMAZON.COM LLC's NOTICE OF
INTENT AND REQUEST TO FILE
SURREPLY PURSUANT TO LOCAL
RULE 7(g)**

NOTE ON MOTION CALENDAR:

AUGUST 6, 2010

Pursuant to Local Rule 7(g)(1), plaintiff Amazon.com LLC ("Amazon") provides notice of its intent to file its Surreply seeking to strike certain portions of the Reply In Support of North Carolina Motion To Dismiss [Dkt. 53]. To the extent the Court declines to strike DOR's new materials and arguments, Amazon respectfully requests that the Court allow the brief response contained therein. Amazon's Surreply is filed concurrently¹ with this notice and request.

¹ Amazon's Surreply is not due until Monday August 16. Plaintiffs filed their reply on August 6. Local Rule 7(g)(2) provides that the accompanying surreply must be filed within five days of the filing of the reply brief. However, under U.S. District Court, Western District Of Washington Electronic Filing Procedures For Civil And
AMAZON'S NOTICE OF INTENT
AND REQUEST TO FILE SURREPLY - 1
(No. 2:10-cv-00664)

1 DATED this 13th day of August, 2010.

3 **DAVIS WRIGHT TREMAINE LLP**

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26 Criminal Cases (Amended 3/01/10), Section III.E, “[t]he three-day rule of Federal Rule of Civil Procedure 6(d)
27 for service by mail shall also apply to service by electronic means.” As the reply was served by electronic
means, the additional three days under Rule 6(d) put the due date for the Surreply on Saturday August 14, which
rolls over to Monday August 16 under Federal Rule 6(a)(3).

AMAZON’S NOTICE OF INTENT

AND REQUEST TO FILE SURREPLY - 2

(No. 2:10-cv-00664)

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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties listed to receive electronic notice in this case.

DATED this 13th day of August, 2010.

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